

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND**

**PLACE OF MEETING:** Friday, June 27, 2003, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS**

**IN ATTENDANCE:**

**Members:** George Hancock, Gene Carroll, Gerry Krieser, Tom Wanser, and Linda Wibbels  
**Others:** Terry Kathe (Building & Safety), Tonya Skinner (City Law Dept.), Buff Baker (Engineering Services), Brian Will and Michele Abendroth (Planning Dept.), applicants and other interested parties.

**STATED PURPOSE**

**OF THE MEETING:** Regular Meeting of the City Board of Zoning Appeals

Mr. Hancock called the meeting to order at 1:35 p.m.

### **Approval of the minutes of the May 30, 2003 meeting**

Mr. Wanser moved approval of the minutes as distributed, seconded by Mr. Carroll. Motion to approve carried 4-0, Hancock, Carroll, Wanser and Wibbels voting 'yes'; Krieser abstaining.

**Appeal No. 2356 by Larry Wann for variances to the side and rear yard setbacks on property generally located at 3411 Otoe Street.**

### **PUBLIC HEARING**

**June 27, 2003**

Mr. Larry Wann, owner of the property, stated that when he applied for a building permit to remove a flat roof from an addition and replace it with a modified hip roof and expand 11 feet to the east, he was informed he had a legal problem in that the structure was built without a building permit in 1957. The flat roof is in disrepair, and he has repaired it several times. There are large trees in the rear yard which would not interfere with the requested expansion. He wants to dig footings for the new addition and use the modified hip roof over the entire structure to tie in with the existing roof. Mr. Krieser asked if he is going to take the eaves off. Mr. Wann replied that currently the addition has 22 inch eaves and he will remove those eaves and move it back to a 7 inch to match the current structure. It was clarified that the house was built in 1952, the addition was put on in 1957, and Mr. Wann purchased the house in 1989. Also, the house is set back farther than is required.

Mr. Hancock asked if there was further testimony in favor of the applicant.

Glenn Andersen, 3401 Otoe St, had provided a letter stating his position. He stated that he wanted to reiterate his personal feelings that what Mr. Wann is proposing to do is a very positive thing in his viewpoint.

Mr. Hancock asked if there was further testimony for or against the applicant.

With no one appearing further, Mr. Hancock closed the hearing.

**ACTION**

**June 27, 2003**

Mr. Carroll asked if Mr. Wann has to verify that there are footings and if there are not, he has to provide footings. Terry Kathe stated that he has to provide footings if there are not any, as anything attached to the main house would have to have continuous footings.

Mr. Wanser made a motion for approval of the application, seconded by Ms. Wibbels. Mr. Carroll then questioned if the approval could just be for the existing structure and not the new structure. He added that the setback is okay for the existing structure, but if it is totaled, then it should go back to the 5 foot setback. Tonya Skinner, stated that in the past, instead of attaching the variance to the building, it has been attached to the land. Mr. Wanser stipulated that the motion is for the location of the structure only, which would preclude a future addition. Ms. Skinner asked for clarification if the motion is for both the side and rear yard. Mr. Wanser replied that it is.

Motion to approve carried 5-0. Wanser, Wibbels, Carroll, Krieser, and Hancock voting 'yes'.

**Appeal No. 2350 by Lee B. Todd for a projection of a porch on property generally located at 4500 South 49<sup>th</sup> Street.**

**ACTION**

**June 27, 2003**

Brian Will stated that had received a written request from Lee Todd and was entered in to record. Mr. Todd requested a continuance on his appeal as he would like time to continue to demonstrate that he is cooperating and trying to reach a compromise for all parties involved. He stated that he has removed the steps. He also requested that the next hearing be open for public discussion.

Mr. Carroll made a motion to deny the request for continuance and proceed with the vote, seconded by Mr. Krieser. Mr. Wanser noted that Mr. Todd has removed the steps and is now in conformance with the building permit, but he does not feel the Board should open it up for public hearing again. Ms. Wibbels stated that this has been ongoing for over 2 years and although it is admirable that he has removed the steps, it has been a source of controversy with the neighbors. She stated that this is a carport and is being used as a carport. Mr. Wanser stated that we are not voting on whether this is a carport, only to remove a portion of the structure.

Motion to deny the request for continuance carried 5-0. Carroll, Krieser, Wanser, Wibbels, and Hancock voting 'yes'.

Mr. Carroll made a motion to deny the application based upon the fact that it does not conform with the municipal code, seconded by Mr. Krieser. Ms. Wibbels clarified that by denying this, Mr. Todd will have to remove approximately 3 feet of the structure.

Motion to deny the application carried 4-1. Carroll, Krieser, Wibbels, and Hancock voting 'yes'; Wanser voting 'no'.

There being no further business, Mr. Hancock adjourned the meeting at 2:07 p.m.